IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE BILAL NAZKI

–

WRIT PETITION NO.23543 of 1997

Between:

K.T.T.Educational Society,

Represented by its President, G.Kamalanabha Rao,

S/o.G.Venkata Subba Rao, 40 years,

resident of Chilakaluripet, Guntur District.

..... PETITIONER

AND

1.Honourable Lokayuktha of Andhra Pradesh,

Basheerbagh, Hyderabad and others.

.....RESPONDENTS

ORDER: (per Hon'ble Sri Justice Bilal Nazki)

This writ petition has been filed challenging the order of Lokayuktha in Complaint No.161/97, dated 25-07-1997.

It appears that a complaint was made before Lokayuktha

against three societies including the petitioner-Society. There were allegations against the petitioner-Society that it had made certain advertisements, by which it had given an impression that it would train people for jobs in the Agricultural Department, and eventually, they would get a job of Supervisor, which would carry salary of Rs.1650/-. The Lokayuktha found that the allegations were well founded. He also found that the Society was registered under Societies Registration Act, 1860, and therefore, he directed the Registrar of the Societies to cancel registration of the petitioner-Society.

Learned Counsel for petitioner-Society submits that in terms of the Act, the petitioner-Society is not subject to the jurisdiction of Lokayuktha. He refers to Section 2(k)(v)(4) of the Andhra Pradesh Lokayukta and UpaLokayukta Act, 1983. The only provision, which the learned Counsel for respondent refers, by which an impression could be created that the Lokayuktha had jurisdiction over the petitioner-Society, is Section 2(k)(v)(4), which reads as under:

> "any Society registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) or the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350F. (Act 1 of 1350 F), which is subject to the control of the Government."

No doubt a Society registered under the Societies Registration Act, 1860, or under the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F, is subject to the jurisdiction of Lokayuktha, provided it is subject to the control of the Government.
It is nobody's case that petitioner-Society was subject to the control of the Government. It was a private Society, which had no control of Government over it.

We agree with the learned Counsel for the petitioner and on this short ground, the order of the Lokayuktha can be set aside as being without jurisdiction.

For this reason, we allow the Writ Petition and quash the order passed by the Lokayuktha. No costs.

_____

G.S.SINGHVI, C.J.

28th November, 2005

_____

BILAL NAZKI, J.

LUR/VRK